

**EXHIBIT 1**

# Application Notice

- You must complete Parts A and B, and Part C if applicable
- Send any relevant fee and the completed application notice to the court with any draft order, witness statement or other evidence
- It is for you (and not the court) to serve this application notice

You should provide this information for listing the application

Time estimate 2 (hours) 30 (mins)

Is this agreed by all parties? Yes  No

Please always refer to the Commercial Court Guide for details of how applications should be prepared and will be heard, or in a small number of exceptional cases can be dealt with on paper.

## Part A

1. Where there is more than one claimant or defendant, specify which claimant or defendant:

(1) The claimants

(1) Cavell USA Inc, Kenneth Edward Randall.

2. State clearly what order you are seeking (if there is room) or otherwise refer to a draft order (which must be attached)

(2) intend to apply for an order (a draft of which is attached) that

(1) The Order of Mr Justice Field dated 4 March 2008 be set aside; and

(2) The Defendants' application made by letter dated 15 February 2008 (the "Defendants' application") is dismissed.

(3) The Defendants pay the Claimants' costs of the Defendants' application and of this application, to be assessed at the hearing, such sum to be paid within 14 days of the date of this Order.

3. Briefly set out why you are seeking the order. Identify any rule or statutory provision

(3) because

For the reasons fully set out in the witness statement of Jonathan Jacob Sacher served herewith.



IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION COMMERCIAL COURT ROYAL COURTS OF JUSTICE	
Claim No.	2007 Folio 1566
Warrant no. (if applicable)	
Claimant(s) (including ref.)	(1) Cavell USA Inc (2) Kenneth Edward Randall
	Ref: JJS/DJM/22137/12
Defendant(s) (including ref.)	(1) Seaton Insurance Company (2) Stonewall Insurance Company
	Ref: MD/IPM/91804/91805/003
Date	11 March 2008

**Part B**

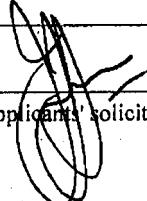
(1) The claimant wishes to rely on:

tick one:

the attached witness statement

(1) (the claimant)(the defendant)'s statement of case evidence in Part C overleaf in support of this application 

Signed



Applicant's solicitor

Position or  
office held(if signing on  
behalf of firm,  
company or  
corporation)

partner

4. If you are not already a party to the proceedings, you must provide an address for service of documents

(4) Address to which documents about this claim should be sent (including reference if appropriate)

Berwin Leighton Paisner LLP Adelaide House London Bridge London		if applicable	
Tel. no.		020 7760 1000	
fax no.		020 7760 1111	
DX no.		92	Chancery Lane
Postcode	EC4R 9HA	e-mail	

**Part C**Claim No. 2007 Folio 1566

**(Note: Part C should only be used where it is convenient to enter here the evidence in support of the application, rather than to use witness statements or affidavits)**

**(1) (The claimant)(The defendant) wishes to rely on the following evidence in support of this application:**

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**Statement of Truth**

\*(I believe)(The applicant believes) that the facts stated in this application notice are true

\*I am duly authorised by the applicant to sign this statement

Full name .....

Name of \*(Applicant)'s litigation friend)'s solicitor  
.....

Signed

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\*(Applicant)'s litigation friend)'s solicitor

Position or  
office held  
(if signing on  
behalf of firm,  
company or  
corporation)

Date

--

*\*delete as appropriate*